

REMARKS

The aforementioned errors in the claims were found in a final review of the application prior to payment of the issue fee. These are minor typographical mistakes which occurred through inadvertence. No new matter is added to the case by this amendment. It is therefore requested that the amendment be entered before the patent is printed.

It is noted with much gratitude that the Examiner allowed Claims 1-19 and 24-46, which include previously withdrawn claims 7-18 and 22-29, said to be directed to "non-elected species." All of the allowed claims are repeated herein in what Applicant believes to be their final allowed form, including the minor correction noted above. The Examiner also included a statement of "reasons for allowance" in the allowance papers. While Applicant agrees that the claims as allowed patentably distinguish over the prior art. Applicant wishes to note for the record that Applicant does not agree to any part of the statement which characterizes the claims differently than their actual wording. For example, and not by way of limitation, allowed claims call for, among other things, release of contents of capsules into the upper gastrointestinal tract, not "to treatment of the upper gastrointestinal tract" as stated by the Examiner. The latter is believed to be a simple typographical error or omission rather than a misapprehension or misunderstanding of the nature and scope of the claimed subject matter. Simply put, the claims as allowed and the disclosures of the prior art speak for themselves and the differences between the two will, upon issuance of a patent from this application, be presumed under the Patent Act to be at least sufficient to meet the conditions for patentability under all relevant provisions of the Patent Act, as construed and applied by the courts.

Applicant respectfully requests that these observations be placed in the official file for this case. The Examiner is encouraged to contact the undersigned by phone if any questions remain as to Applicant's comments regarding the Examiner's Reasons for Allowance.

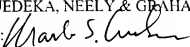
U.S. Application No. 10/740,208
October 14, 2008
Response to Notice of Allowance dated July 16, 2008

In the event this response is not timely filed, Applicant hereby petitions for all available and appropriate extension of time and requests that any and all fees for the extension along with any other fees which may be due with respect to this paper be charged to Deposit Account No. 12-2355 of the undersigned.

Respectfully submitted,

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